



US Army Corps  
of Engineers  
Portland District

## SECTION 14

### Authority for: EMERGENCY STREAMBANK AND SHORELINE PROTECTION

**WHAT CAN THE CORPS DO?** Section 14 of the 1946 Flood Control Act, as amended, provides authority for the Corps of Engineers to plan and construct emergency streambank and shoreline protection projects to protect endangered highways, highway bridge approaches, public facilities such as water and sewer lines, churches, public and private nonprofit schools and hospitals, and other nonprofit public facilities.

The unstable conditions caused by streambank and shoreline erosion call for prompt action to eliminate the threat to public safety and to prevent interruption of vital services. This is recognized in the streamlined study and shortened time frame of the Section 14 program. Federal costs are limited to not more than \$1,000,000 in one locality during any fiscal year. Costs of lands, easements, and operation and maintenance of the project must be non-federal.

A Section 14 project may include new streambank or shoreline protection works, or it may repair, restore, or modify existing works. Each project must constitute a complete solution to the problem and not commit the federal government to additional improvements to ensure effective protection.

A project is accepted for construction only after investigation shows its engineering feasibility, environmental acceptability, and economic justification. The planning and design analysis (PDA), conducted at federal expense, will evaluate the alternatives, select one, and develop project design data, including plans and specifications. The impact of the project on the environment will be documented in an environmental assessment (EA). The decision to approve and construct a project under Section 14 is based on information from the PDA. A draft project cooperation agreement (PCA) is drawn up which defines the obligations of the federal government and the sponsor in the construction, maintenance, and cost sharing of the project. No more than 12 months should pass between the start of the PDA and the time the project is ready for construction.

**WHAT ARE THE LOCAL RESPONSIBILITIES?** Costs for emergency streambank and shore protection projects are shared between the federal government and a non-federal sponsor in accordance with the Water Resources Development Act of 1986, as amended. The first \$40,000 of study funds are 100 percent federal. Any remaining study funds and the costs of construction are shared according to the formula in the law. Credit is given for lands, etc. dedicated to the project, but at least 5 percent of the cost must be provided in cash. The local sponsor (a State, local, or tribal government) must have the legal and financial capability to fulfill the following local cooperation requirements.

The local sponsor is required to:

- Contribute a minimum of 5 percent of the total project cost in cash;
- Provide all lands, easements, rights-of-way, and relocations;
- Provide any additional cash contributions needed to make the local sponsor's share of the project costs 35 percent; and
- Assume the full responsibility for all project costs above the federal cost limit of \$1,000,000.

Before construction, the local sponsor must agree to do the following:

- Hold and save the United States free from claims for damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;
- Provide all access routes and relocations of utilities necessary for project construction and subsequent operation and maintenance;
- Operate, maintain, repair, replace, and rehabilitate the project as long as the project is authorized;
- Comply with provisions of pertinent federal Acts in carrying out the specified non-federal responsibilities of the project.

**HOW CAN HELP BE REQUESTED?** We may begin a PDA study after we receive a written request from the prospective sponsor. A sample letter is offered below:

*District Engineer  
U.S. Army Corps of Engineers, Portland District  
ATTN: Planning  
P.O. Box 2946  
Portland, Oregon 97208-2946*

*Dear Sir:*

*This letter is to seek the assistance of the U.S. Army Corps of Engineers under Section 14 of the 1946 Flood Control Act, as amended, in reducing the threat of damages along (name of river, creek, or body of water) in the vicinity of (city or town, etc.).*

*(Briefly describe the nature and severity of the problem, and any issues that could affect the acceptability of possible solutions.)*

*We understand that we would be required to pay at least 35 percent of the total cost of a project, with credit granted toward this amount for providing lands, easements and rights-of-way, and that the minimum cash requirement from us would be 5 percent of the total project cost. We are able and willing to proceed to construction within a year, if a feasible project is found. Please contact (name, address, telephone) for further information.*

*Sincerely,  
(Name and title of public official authorized to request study)*